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**BY CM/ECF**

The Honorable Christopher J. Burke  
United States District Court for the District of Delaware  
844 N. King Street  
Wilmington, DE 19801

**Re: *Sysmex Corp. et al v. Beckman Coulter, Inc.*, C.A. No. 19-1642-RGA-CJB**

Dear Judge Burke:

I write on behalf of Plaintiffs Sysmex Corporation and Sysmex America, Inc. ("Sysmex") in response to Defendant Beckman Coulter, Inc.'s ("BCI") purported joint letter (D.I. 354) filed with the Court. Unfortunately, BCI filed that letter without Sysmex's consent as not all of the disputes are ripe for the Court's consideration. BCI's Delaware counsel was informed by the undersigned Delaware counsel of the issues but proceeded to file anyway.

While we hate to burden the Court with disputes over discovery letters, the issues that BCI seeks to bring before the Court should be meaningfully discussed between the parties before Court intervention is sought. For example, with respect to BCI's Issue 2 regarding case narrowing, BCI raised that issue without any prior notice during a meet and confer on Tuesday, August 17. Sysmex has advised they are willing to discuss case narrowing proposals and has asked Defendant to provide a concrete proposal for consideration. The facts here are important. After initially asserting 57 claims, Sysmex voluntarily conducted two rounds of claim narrowing and now only asserts 15 claims for the '350 patent and 13 claims for the '351 patent. BCI, however, has not narrowed its number of invalidity positions and continues to assert invalidity positions against claims that are no longer asserted. Sysmex has asked BCI to provide a specific proposal on case narrowing so the parties can discuss it. Likewise, with respect to BCI's Issue 1, Sysmex has offered dates for Dr. Madisetti's deposition next week, but BCI has never provided a proposal for any additional specific discovery and related deadlines it seeks as a result of the supplemental expert report it sought from Sysmex. BCI should provide specific proposals to Sysmex before seeking relief from the Court.

The parties agree that Sysmex's dispute is ripe for the Court's consideration and a conference can be scheduled on that issue at the Court's convenience. With respect to the remaining issues, Sysmex respectfully requests that the Court order BCI to provide specific proposals for its issues and that the parties be ordered to meet and confer on that relief pursuant to Local Rule 7.1.1.

Respectfully,

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)

cc: All Counsel of Record (via CM/ECF)

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